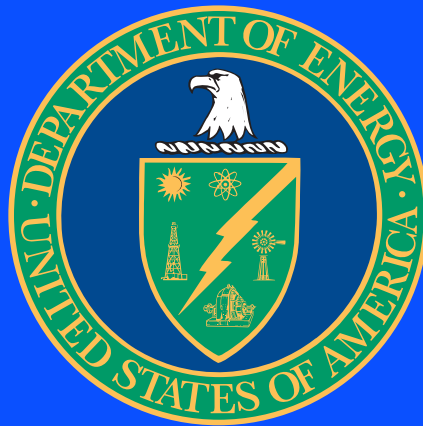


# **Employee Concerns Program 2006 Annual Activity Report**



**Office of Civil Rights  
and Diversity**

## ***Message From the Director***

*We are pleased to present the Department of Energy's Employee Concerns Program (ECP) Annual Report for Fiscal Year (FY) 2006. The ECP handles concerns filed by employees on a variety of topics ranging from health and safety to waste, fraud, and abuse. This marks the eleventh consecutive year an ECP report has been issued. These reports provide an overview of important activities and progress made during the year advancing the work and mission of the ECP.*

*This report also reflects the second year the ECP has resided in the Office of Civil Rights and Diversity. The number of Department of Energy (DOE) employees who utilized the ECP in FY 06 was 942. Subsequently, 536 concerns were filed. Our closure rate for FY 2006 was 76%, slightly below last year's rate of 79%, which is also the average closure rate over the past eleven years. It is noteworthy that the number of concerns filed in FY 06 – 536 – ended a pattern of steady increases of concerns over the previous four years that rose from 460 (2002) to 564 (2003) to 623 (2004) to 765 in FY 2005.*

*As we have noted in the past, these numbers can be interpreted several ways. For example, does the fact that the number of concerns filed went down from the previous year indicate a problem with the program or are concerns being more effectively handled by supervisors, resulting in fewer employees seeking resolution with the ECP? While we hope the latter is the case – particularly in light of Secretary Bodman's encouragement to managers to do so in his April 2006 Employee Concerns Program Statement, we need to look behind the numbers. Indeed, the numbers, as valuable as they are, do not provide those answers. The Office of Civil Rights and Diversity will have a survey conducted in FY 07 to "get behind the numbers." This follow-up study to the one conducted by the National Academy of Public Administration in 2001 will seek answers from DOE Federal and contractor employees on these questions from DOE employees nation-wide.*

*From the outset of his tenure, Secretary Samuel W. Bodman has expressed his view that employees have the right and responsibility to report concerns to the environment, safety and health, security or management of DOE operations. To that end, as noted above, the Secretary issued an Employee Concerns Statement to all Federal and contractor employees on April 11, 2006, which served as an impetus to the program. One of the primary missions of the ECP is to fulfill the Secretary's commitment to create an environment where employees are free to raise concerns without the fear of reprisal or retaliation. This is accomplished by providing the necessary leadership, policy guidance, and assistance to operations and field office ECPs throughout the Department.*

*The ECPs have continued to operate in a consistent manner that strives to ensure that employee concerns are addressed in a full, fair, and timely manner, while involving management and employees in the resolution process to the maximum extent possible.*

*New initiatives implemented during FY 06 included developing new ECP brochures and posters for use throughout the DOE complex, and facilitating breakout sessions dedicated to DOE employees who attend the semi-annual conferences of the Employee Concerns Program Forum, the leading conference for employee concerns professionals. These breakout sessions are particularly timely because the existing DOE ECP Order 442.1A is in revision and will include within its Contractor Reference Document (which accompanies the Order) a requirement that all DOE contractors establish an Employee Concerns Program. In the future, data collected from contractors throughout the complex on their ECP activities will result in a more robust and comprehensive view of what is happening in the Department regarding employee concerns.*

*We look forward to receiving any feedback regarding this Report, as well as suggestions of how we can improve both the Report and the DOE ECP. A special thanks to Michelle A. Bruner of the Office of Civilian Radioactive Waste Management (OCRWM), and Bill Lewis and Frank Vacarella in the Office of Civil Rights and Diversity for their contribution and assistance in producing this Report. For more information about the ECP and Field Office locations, visit us at <http://civilrights.doe.gov> or contact our office at (202) 586-2218.*

*Respectfully,*

A handwritten signature in black ink, appearing to read "P. Marmolejos", with a stylized flourish at the end.

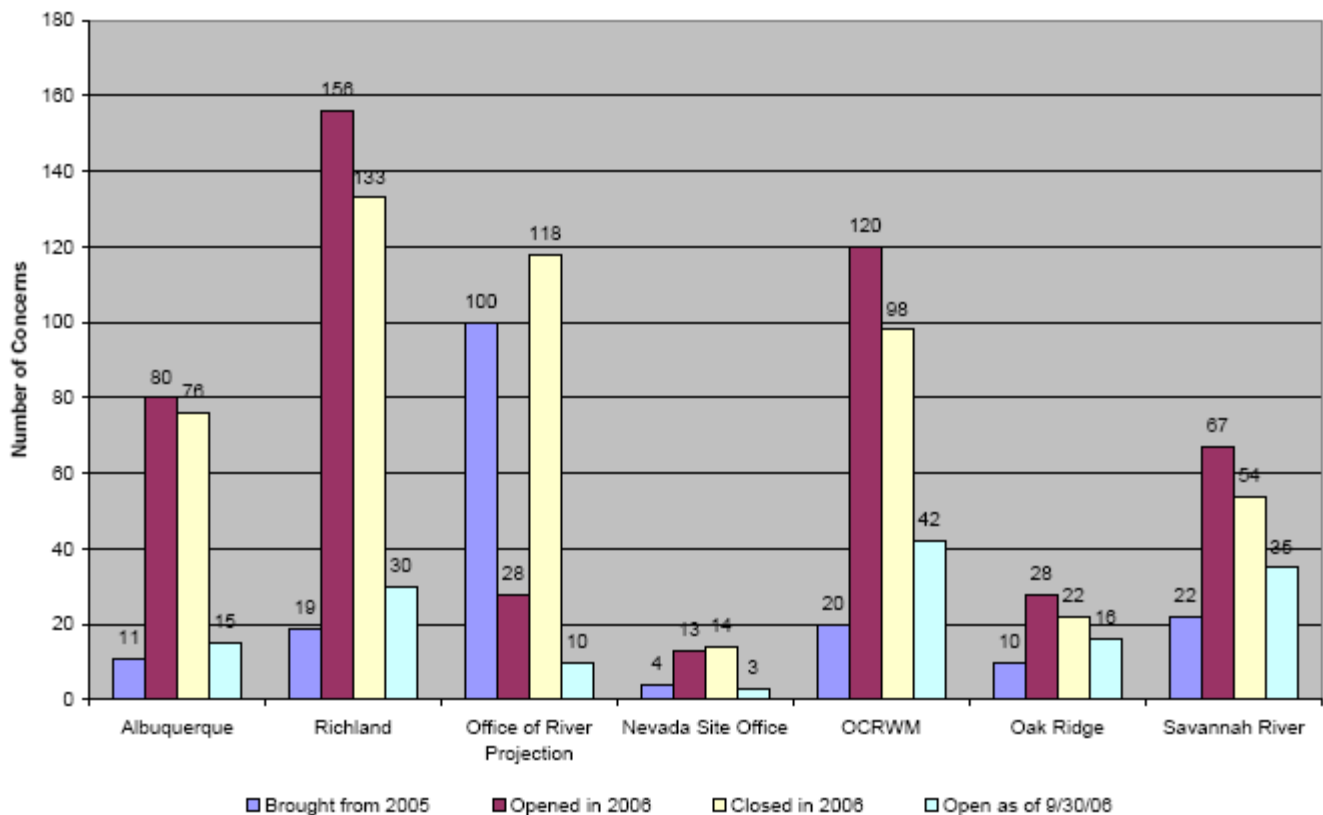
*Poli A. Marmolejos  
Director  
Office of Civil Rights and Diversity*

## EMPLOYEE CONCERNS PROGRAM STATISTICAL DATA

**Receipt and Disposition.** The data collected reflects concerns filed with the DOE ECP offices during FY 2006. It does not contain data relating to concerns, allegations, or complaints filed directly by employees with other offices, such as the Office of Inspector General, Office of Civil Rights and Diversity, Office of Health, Safety and Security or through contractor ECPs or other grievance procedures.

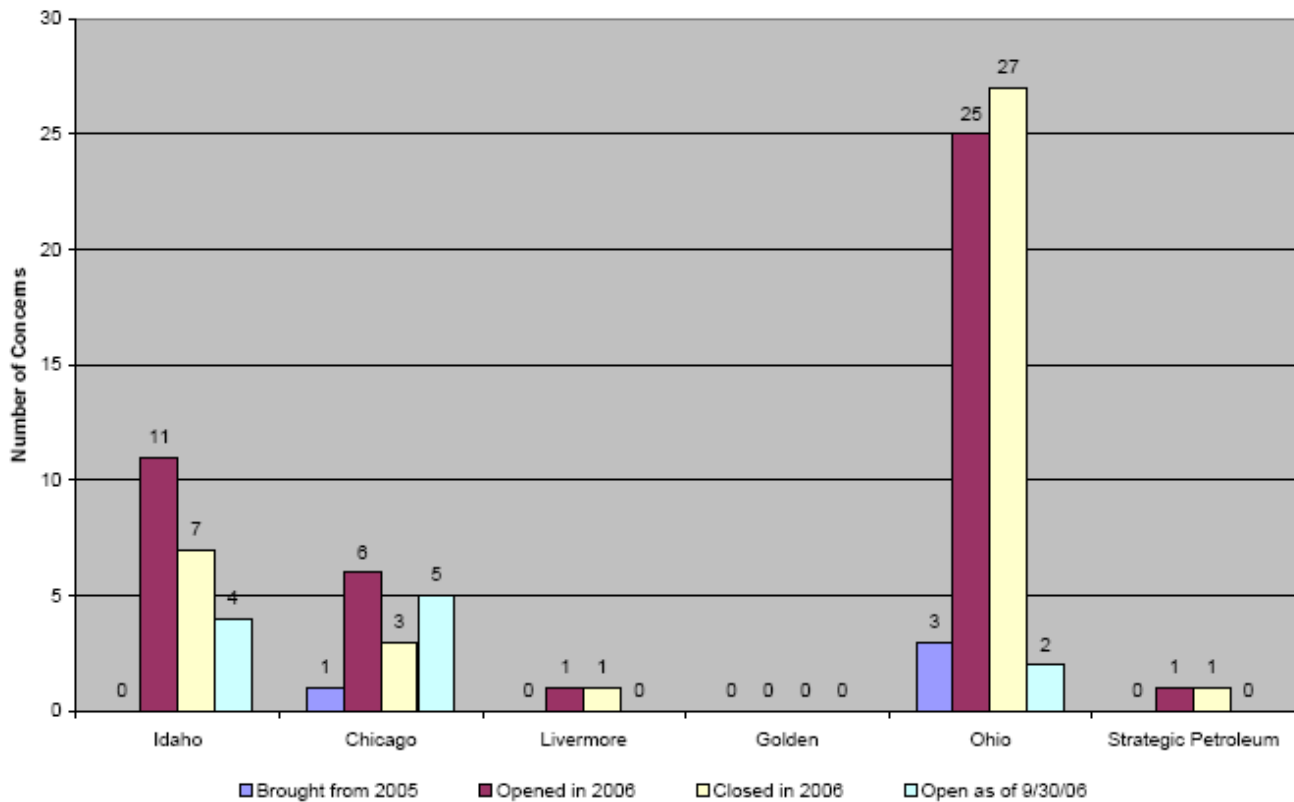
The DOE ECP offices began FY 2006 with a total inventory of 192 concerns. During FY 2006, 536 new concerns were opened. The DOE ECP offices closed 554 concerns, leaving 174 open at the end of FY 2006. The charts below show the employee concerns activities at the represented DOE field elements with respect to the processing of employee concerns in FY 2006. The figures for "Open" concerns refer to concerns that were either newly opened or reopened in FY 2006.

Figure 1. Disposition of Concerns by Field Element  
(Larger Offices)



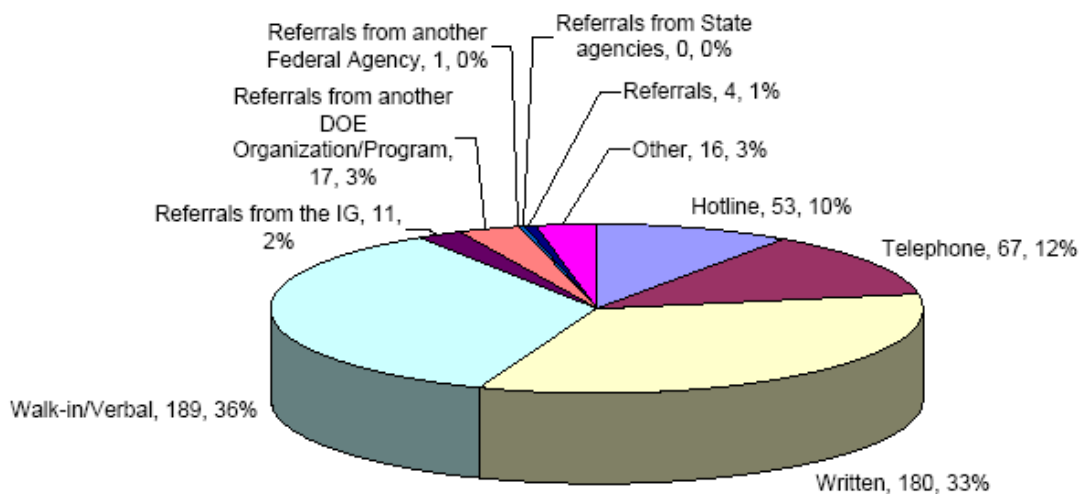
The DOE ECP Managers routinely meet with contractor ECP representatives and coordinate efforts to resolve concerns at the lowest level possible. In addition, a variety of dispute resolution processes have been instituted by DOE and contractors, including ombudsperson programs, training a cadre of mediators, and joint labor-management partnerships for the resolution of issues. The success of these programs is helping to meet one of the primary goals of the DOE ECP, which is to improve the responsiveness of management to concerns raised by their employees.

Figure 2. Disposition of Concerns by Field Element  
(Smaller Offices)

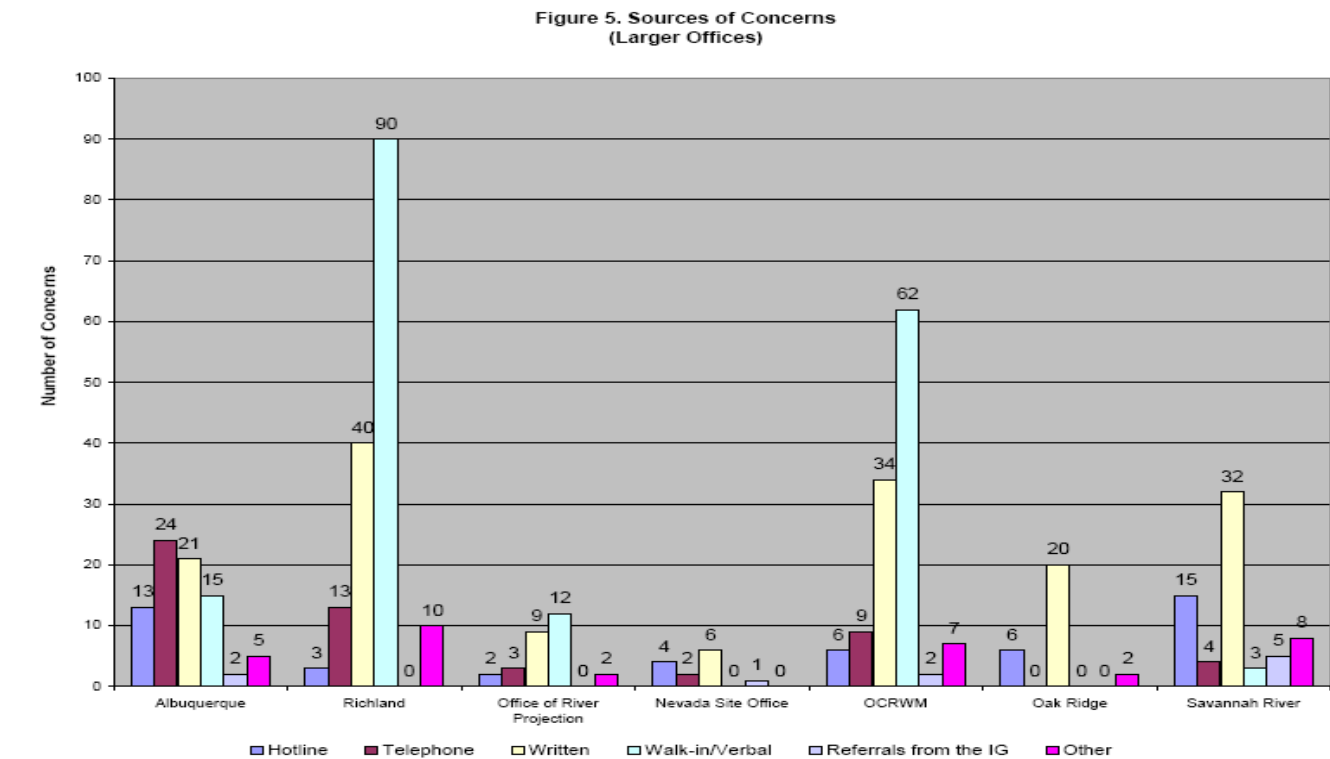
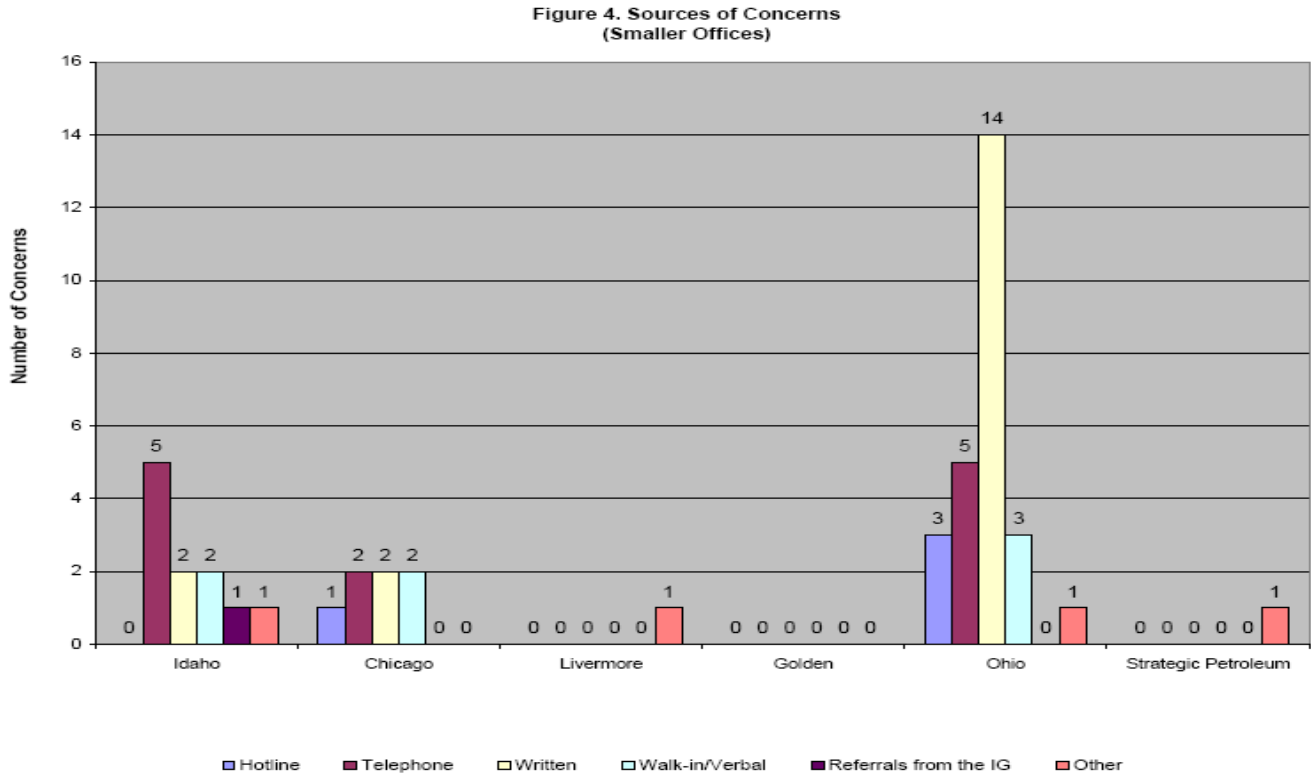


**Sources of Concern.** Multiple avenues are available and are utilized by DOE employees to bring forward their concerns. In FY 2006, the most popular option was Walk-in/Verbal (189 concerns, representing 36% of the total) followed by Written (180; 33%); Telephone (67; 12%); and via “Hotline” (53; 10%). The remaining 49 concerns were received from other DOE offices, including the IG, Federal or State agencies, or other miscellaneous sources.

Figure 3. Sources of Concerns (All Offices)

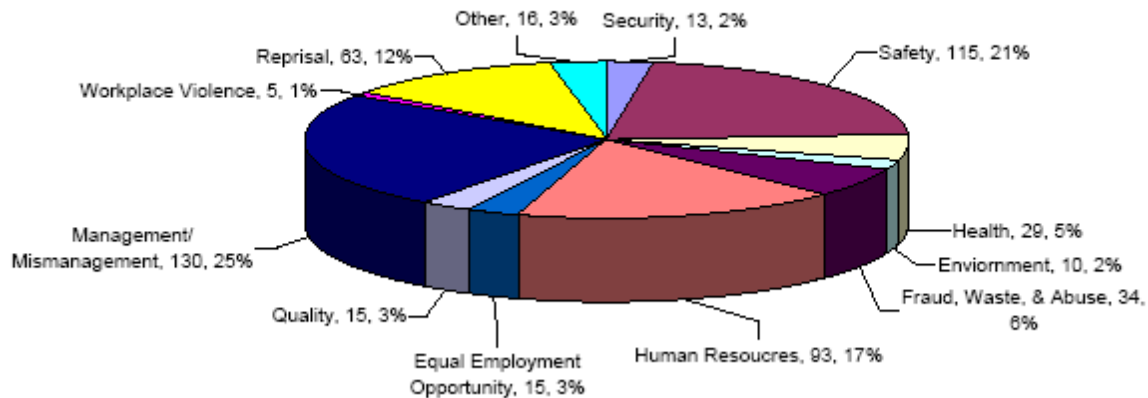


Typically, various methods to reach ECP Managers differ across the complex. For example, walk-ins were the predominant method in Richland, the Office of River Protection at Hanford, and at OCRWM, while written concerns led the way in Ohio, Oak Ridge, Nevada Site Office, and Savannah River.



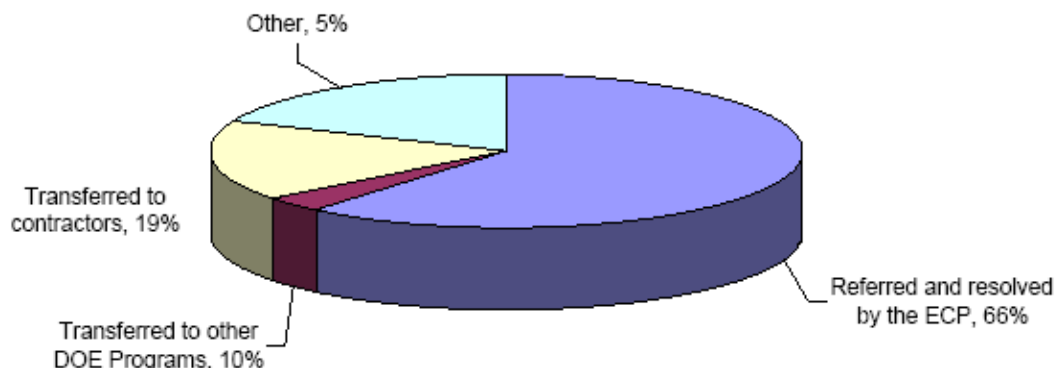
**Categories of Concern.** In FY 2006, five categories—Management/Mismanagement, EEO, Safety, Human Resources, and Reprisal, accounted for 78% of the 536 new concerns filed. Management/Mismanagement issues led the way with 25%, which showed a decrease of 27% from last year; Safety, Health, and Environment concerns combined for 28% of the total, up from last year's 19%; and Human Resources represented 17%, compared to 12% last year. Reprisal concerns increased from 6% last year to 12% this year, while EEO numbers largely remained static.

Figure 6. Categories of Concerns Received



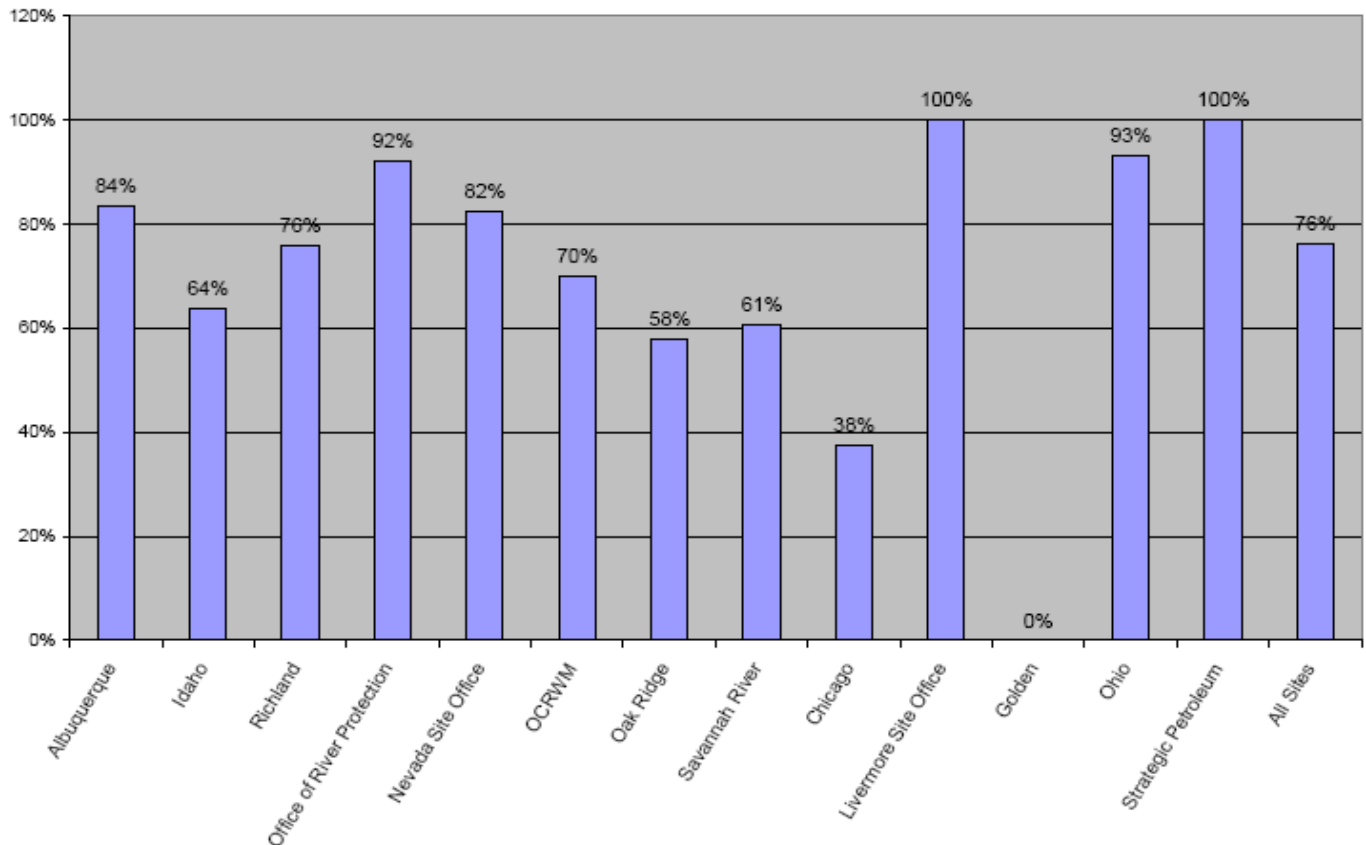
**Closing Concerns.** Concerns closed by ECPs include those processed solely by the ECP offices themselves, as well as those closed by the ECP offices after they had received evaluations of the concern from offices to which the concerns were referred. A concern is considered closed by transfer when it is sent to another office or organization that has primary responsibility for the subject matter of the concern. The statistics shown in Figure 7 distinguish between concerns transferred within DOE and those transferred to contractors. Although transferred concerns generally require no further action by ECP offices, ECP Managers usually request information on actions taken where follow-up activities were necessary. This is particularly true regarding safety-related issues where ECP Managers want to make sure the underlying safety issue has been properly handled and resolved, whether it was the initial focus of the concern or not.

Figure 7. Disposition of Concerns



As shown in Figure 7, 366 concerns (66% of closed concerns) were resolved by the ECP offices, while 55 concerns (10%) were transferred to offices within DOE for resolution. One hundred-fifty concerns (19%) were transferred to contractors for resolution; and 28 concerns (5%) required no action. A total of 554 concerns were closed during FY 2006, which was a slight decrease from last year. Figure 8 shows the percentage of concerns closed by field element ECPs, as well as the overall closure rate.

Figure 8. Percentage of Concerns Closed  
(by Field Element)



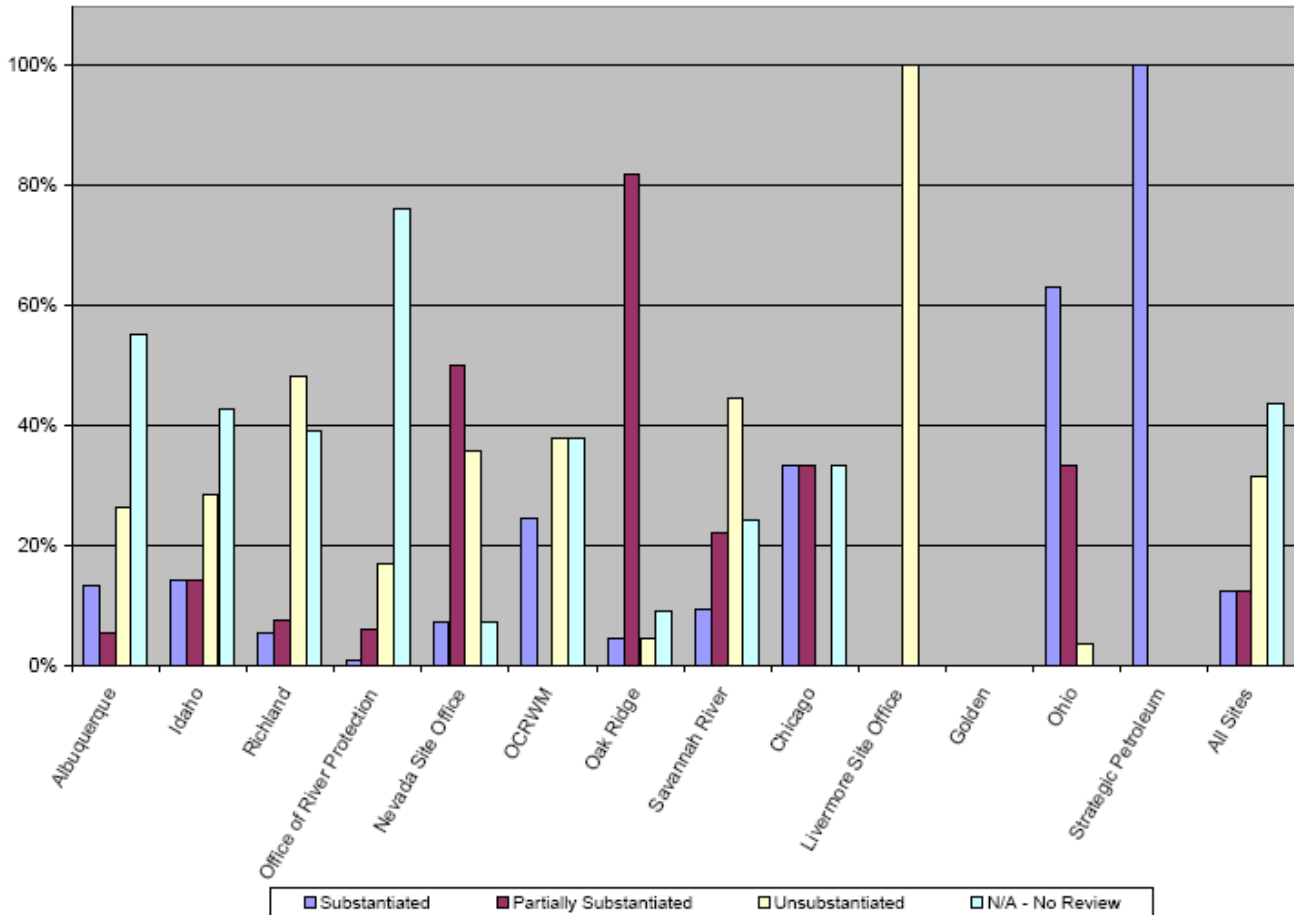
In reviewing these percentages, it should be noted that the number of concerns submitted vary from site to site. On the lower end, Chicago reported six concerns filed in FY 06, and the Strategic Petroleum Reserve Office (SPRO) reported one. On the other end of the spectrum, Richland reported 156 and Yucca Mountain 120.

**Level of Substantiation of Concerns.** Since 1996, data has been collected to show the extent to which concerns submitted were substantiated. Four categories were available for reporting this data: substantiated, partially substantiated, unsubstantiated, or no review. In 2006, the latter category primarily reflected concerns where the nature of the concern was not subject to factual substantiation, such as those where Alternative Dispute Resolution (mediation) was used, or the concerns were outside the jurisdiction of the ECPs.



As shown in Figure 9, 24% of concerns that were subject to review or investigation were fully or partially substantiated, a slight increase from the previous year. While these numbers can vary from year to year, these figures are indicative of a process that is providing full and fair review of employee concerns. The FY 2006 substantiation rates for each field element ECP are also shown.

Figure 9. Rate of Substantiation

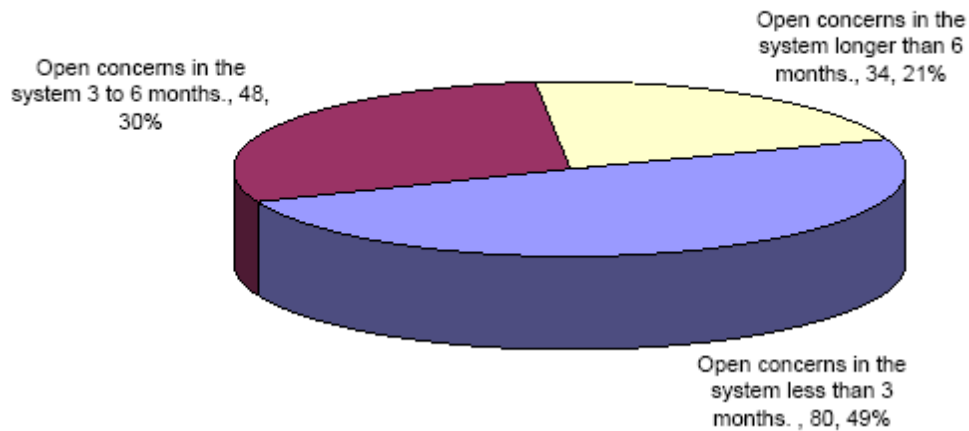


**Age of Open Concerns.** Data is collected to track the age of concerns that remained open at the end of FY 2006. Of the 174 concerns that remained open at the end of the fiscal year throughout the DOE complex, 80 concerns (49%) had been open less than three months, 48 concerns (30%) had been open between three and six months, and 34 concerns (21%) had been open more than six months. A review of the concerns that have been pending for more than six months indicate that many involved issues that, by their nature, required more time to investigate and close.

Typically, over a six month period, 10-12% of concerns remain open. This is a primary focus of Employee Concerns Managers. Generally speaking, concerns that remain open the longest become more difficult to resolve for a variety of reasons. Therefore, resolving concerns filed as soon as practicable is encouraged, and we note a 30% decrease in the number of concerns at the end of FY 2006, as opposed to last year. Nonetheless, one of the

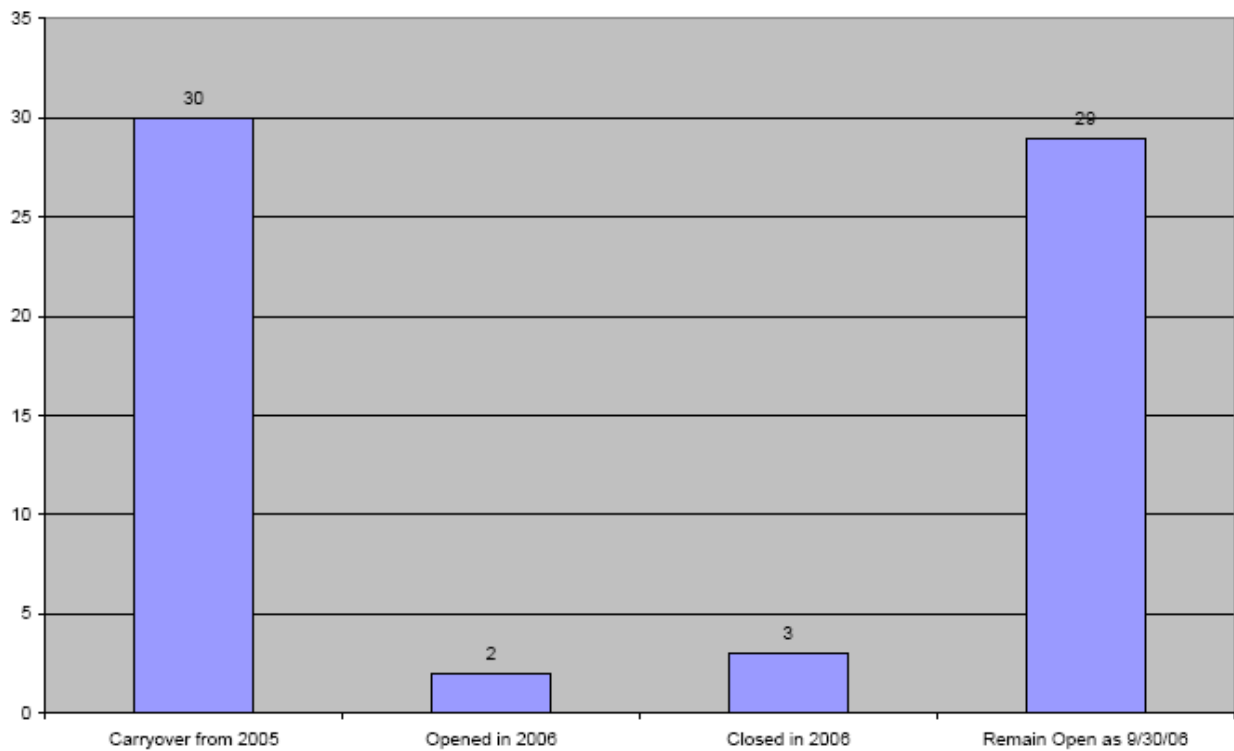
goals of the upcoming year will be to reduce the percentage of concerns open over 6 months by half to be more in line with our historical range of 10-12%.

Figure 10. Age of Concerns



**Status of Complaints Filed Under the Department's Contractor Employee Protection Program.** The Department's Contractor Employee Protection Program, found in Part 708 of Title 10, Code of Federal Regulations (10 CFR 708), is primarily under the jurisdiction of the Office of Hearings and Appeals; however, the ECP offices have the initial responsibility for processing the complaint(s) and exploring resolution options.

Figure 11. Reprisal Complaints



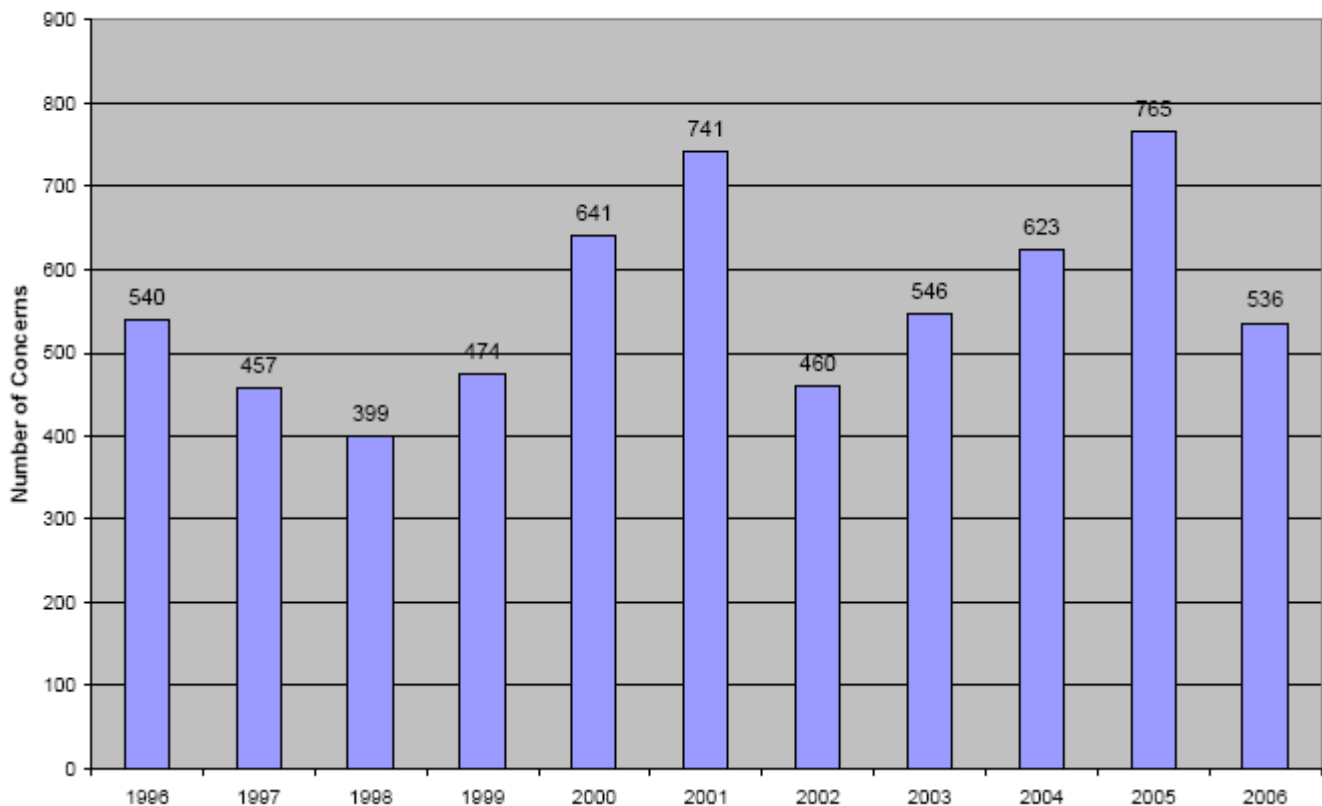
Thirty complaints were carried over from calendar year 2005, and two new complaints were received in FY 2006. Three complaints were closed during FY 2006, leaving 29 complaints open at the end of the fiscal year.

This Report, which reflects eleven years of collected data, complex-wide, provides the opportunity to review noteworthy trends. In particular, the trends of most interest are: (1) the number of concerns received; (2) the categories of concerns received; (3) the timeliness of concerns processed; (4) and the ECP rate of resolution.

**Number of Concerns Received.** Generally, the benchmark at the Department is 500 concerns yearly. However, as depicted in Figure 12, over the past eleven years, there has been a wide variance in the actual number of concerns brought forward by employees. Indeed, the range has been from a low of 399 (in 1998) to a high of 765 (in 2005). The actual annual average for the eleven-year period is 562 concerns.

Two observations can be made in reviewing Figure 12. First, in 2001, there was a spike up to 741 concerns, an increase of 100 concerns over the year 2000. Part of the reason was a change of the primary contractor at the Yucca Mountain site. As part of an exit interview strategy, employees identified issues resulting in over 200 new concerns, which led to the highest number of concerns in the ECP at that time.

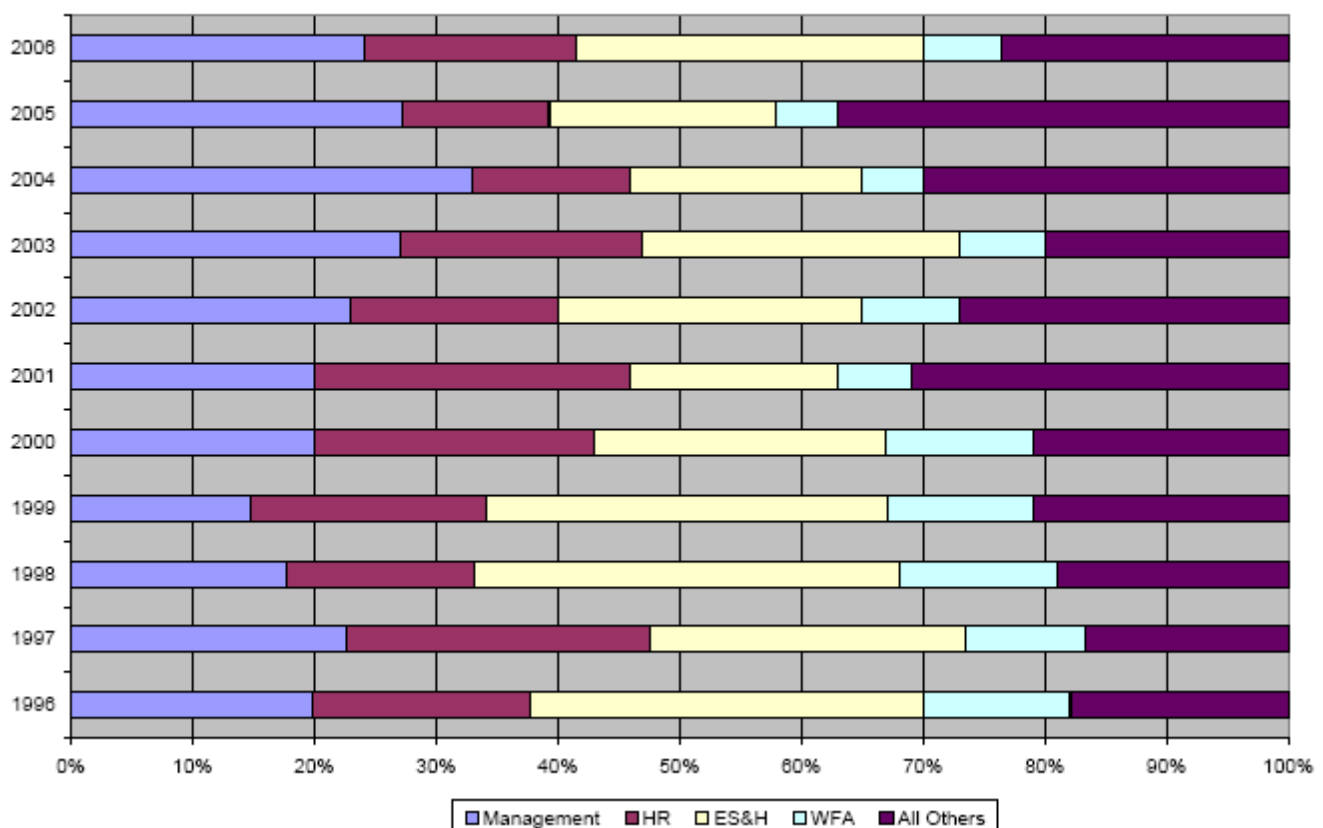
Figure 12. Number of Concerns Received



Second, the number of concerns showed a steady rise from 546 in 2003, to an eleven year high of 765 in 2005. This increase had put a strain on the ECP because the resources dedicated to the program, i.e., staffing, funding, etc., had been either flat or, at many sites, less than in previous years. However, Fiscal Year 2006 reflected a marked decrease in the number of concerns received that represented more “average” numbers. It should be noted at this juncture that in recent years, approximately 1000 DOE employees, including contractors, have been using the Program on an annual basis. Figure 12 reflects the trend line since 1996.

**Categories of Concerns Received.** Over the years, the categories that have dominated have been Management concerns, Human Resources, and Environmental, Safety and Health issues. These five categories have accounted for at least 50% of the concerns, and sometimes as much as 60%. While the ECP serves as a ‘clearinghouse’ for all types of concerns that are brought to the attention of the Employee Concerns Managers--at least initially--the types of concerns coming into the ECP can also include Workplace Violence, Reprisal, Security and Equal Employment Opportunity. Where appropriate, the concerns are transferred to the office with jurisdiction for further processing.

Figure 13. Comparison of Major Concern Categories

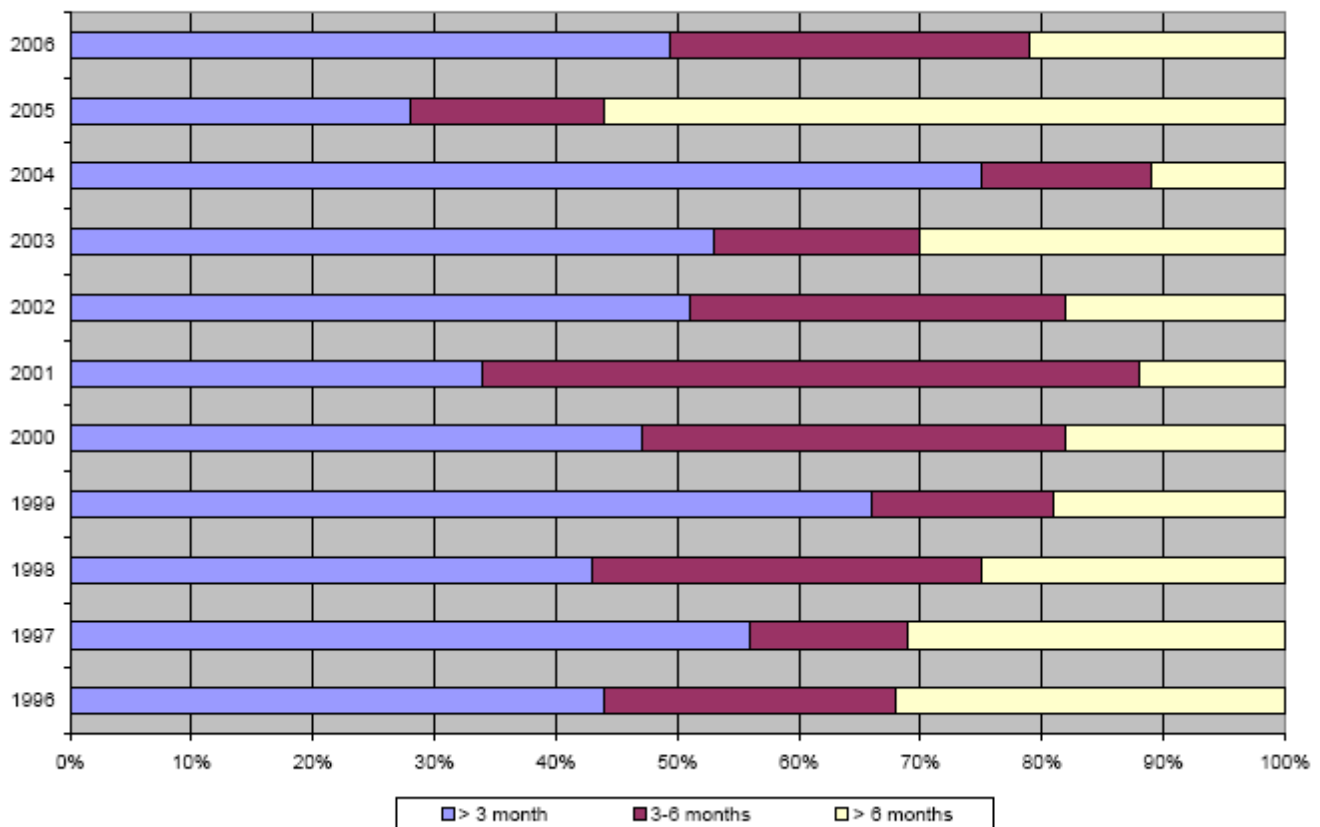


**Timeliness of Concerns Processed.** Concerns that are not promptly resolved tend to remain in the system for long periods of time. The associated costs for the agency, as well as for the employee, are often very high. Consequently, reducing the number of concerns open for six months or longer has been a goal of the ECP offices for many years. In this connection, significant improvement has been made in the timeliness of concerns processed and in both 2001 and 2004 the number of concerns pending over six months was slightly more than 10% of the total number of concerns in the system.

However, there are variables that can affect these numbers. For example, in 2005, due to a single case involving eight employees, a total of 85 concerns (since resolved and closed) were open at one site, causing a spike in that number complex-wide. Another example of how numbers can increase quickly occurred in 2001, when almost half of the pending cases had been in the system for 3-6 months. While this particular spike was temporary, such fluctuations are influenced by other numbers, such as the number of employees using the ECP, and the amount of resources that are being committed to the program.

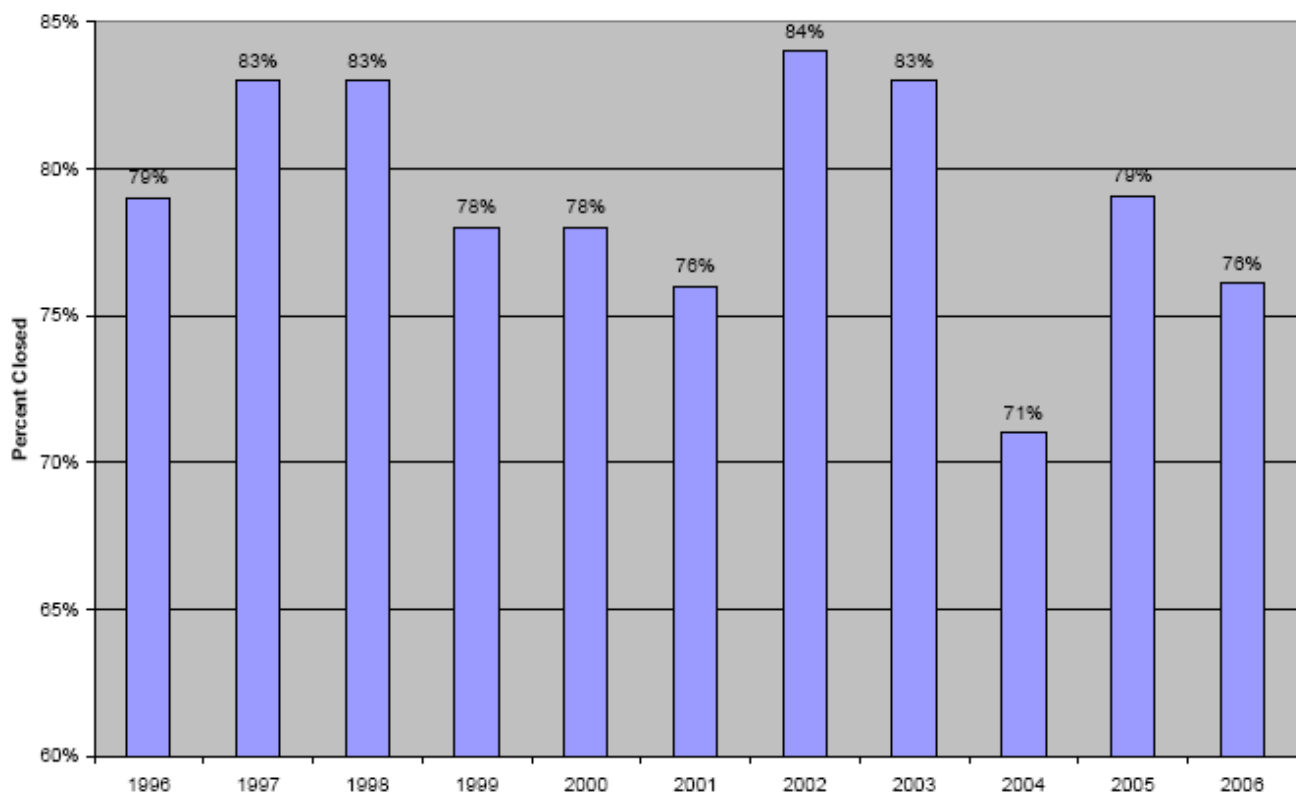
Ideally, the ECP strives to achieve a model year like 2004, where 75% of all concerns that remained open at the end of the year had been in the system less than three months. Such figures indicate that the ECP is performing at an optimal level while addressing concerns in a prompt and efficient manner.

Figure 14. Timelines of Concerns Processed



**Rate of Resolution.** One key measure of overall effectiveness of the ECP offices is the rate in which concerns are resolved and closed out. That rate is affected by many factors, including total number of concerns received during a fiscal year, size of ECP staff to process concerns, and effectiveness of internal processes. Much like the average of 500 concerns annually as a measuring point, the standard “benchmark” resolution rate often cited is 80%. As Figure 15 illustrates, however, the rate can vary from year to year. Indeed, the average resolution rate for the first five years of the ECP (1996-2001) was 80%; the last six years (2001-06) dipped slightly to 78% but included an eleven year low of 71% in 2004. This substantial decrease in 2004 was the result of a system being understaffed with regard to the number of concerns in the system but the ECP rebounded with a more typical success rate of 76% in 2006.

Figure 15. Resolution Rate



## APPENDIX A

### Employee Concerns Program Contacts

ORGANIZATION	CONTACT	TELEPHONE	EMAIL
DOE HEADQUARTERS	Poli Marmolejos	(202) 586-2218	<a href="mailto:Poli.marmolejos@hq.doe.gov">Poli.marmolejos@hq.doe.gov</a>
	Bill Lewis	(202) 586-6530	<a href="mailto:bill.lewis@hq.doe.gov">bill.lewis@hq.doe.gov</a>
Albuquerque	Eva Glow Brownlow	(505) 845-5113	<a href="mailto:ebrownlow@doeal.gov">ebrownlow@doeal.gov</a>
	Michelle Rodriguez De Varela	(505) 845-4935	<a href="mailto:mrodriguezdevarela@doel.gov">mrodriguezdevarela@doel.gov</a>
Amarillo	Brenda Findley	(806) 477-3120	<a href="mailto:bfindley@pantex.doe.gov">bfindley@pantex.doe.gov</a>
Chicago	Kris Winiarski	(630) 252-2299	<a href="mailto:kris.winiarski@ch.doe.gov">kris.winiarski@ch.doe.gov</a>
Idaho	Jan Ogilvie	(208) 526-9272 Hotline: (208)-526-7200	<a href="mailto:ogilvije@id.doe.gov">ogilvije@id.doe.gov</a>
Nevada	Sara Anderson	(702) 295-7843	<a href="mailto:andersons@nv.doe.gov">andersons@nv.doe.gov</a>
	Pat Bodin	(702) 295-0611	<a href="mailto:bodin@nv.doe.gov">bodin@nv.doe.gov</a>
Oak Ridge	Rufus Smith	(865) 576-4988	<a href="mailto:SmithRH@oro.doe.gov">SmithRH@oro.doe.gov</a>
Yucca Mountain	Julie Goeckner	(702) 295-2556	<a href="mailto:julie.goeckner@ymp.gov">julie.goeckner@ymp.gov</a>
Richland	Stan Branch	(509) 376-9450	<a href="mailto:Stanley_o_branch@rl.gov">Stanley_o_branch@rl.gov</a>
Richland - Office of River Protection	Bobby Williams	(509) 376-0034	<a href="mailto:Bobby_L_Williams@RL.gov">Bobby_L_Williams@RL.gov</a>
Savannah River	Eric T. Adams	(803) 952-7836	<a href="mailto:eric-t.adams@srs.gov">eric-t.adams@srs.gov</a>
SPRO	Charlene Reynolds	(504) 734-4565	<a href="mailto:Charlene.reynolds@spr.doe.gov">Charlene.reynolds@spr.doe.gov</a>
Golden, CO	Rosemary Vela	(303) 275-4804	<a href="mailto:rosemary.vela@go.doe.gov">rosemary.vela@go.doe.gov</a>
Ohio – EM Consolidated Business Center:	Bartley Fain	(513) 246-0469	<a href="mailto:bartley.fain@emcbc.doe.gov">bartley.fain@emcbc.doe.gov</a>
Springdale		(513) 246-0074	
Fernald		(513) 200-9684	
Mound		(513) 246-0066	
West Valley		(513) 942-4016	
Columbus		(513) 246-0603	
Ashtabula		(716) 942-4690	
Portsmouth/Paducah		(859) 219-4016	
Rocky Flats		(303) 966-2730	

### **Employee Concerns Program Contacts**

Carlsbad		(505) 234-7319	
NNSA-Headquarters	MaryAnn Fresco	(202) 586-8253	<a href="mailto:Maryann.fresco@nnsa.doe.gov">Maryann.fresco@nnsa.doe.gov</a>
	Linda Delong	(202) 586-2531	<a href="mailto:Linda.Delong@nnsa.doe.gov">Linda.Delong@nnsa.doe.gov</a>
Office of Dispute Resolution	Kathy Binder	(202) 586-6972	<a href="mailto:kathleen.binder@hq.doe.gov">kathleen.binder@hq.doe.gov</a>
	Pam Pontillo	(202) 586-4002	<a href="mailto:pamela.pontillo@hq.doe.gov">pamela.pontillo@hq.doe.gov</a>
Lawrence Livermore National Laboratory	Clemonce Heard	(925) 422-0557	<a href="mailto:clemonce.heard@oak.doe.gov">clemonce.heard@oak.doe.gov</a>



## APPENDIX B

### **Employee Concerns Program Field Office Websites**

In addition to the contact information in Appendix A, some of the offices, including DOE HQ, can be accessed through the internet. ED is working to improve its website by making it more user friendly and adding links to the websites listed below. Ultimately, it is our goal to electronically connect all of the field programs with Headquarters.

<b><u>Field Offices</u></b>	<b><u>Web Address</u></b>
HQ ED-4	<a href="http://employeeconcerns.doe.gov">http://employeeconcerns.doe.gov</a>
Albuquerque	<a href="http://www.doeal.gov/mrd/concerns.htm">http://www.doeal.gov/mrd/concerns.htm</a>
Los Alamos National Laboratory	<a href="http://www.lanl.gov/orgs/ombuds/index.html">http://www.lanl.gov/orgs/ombuds/index.html</a>
Richland	<a href="http://www.hanford.gov/orp">http://www.hanford.gov/orp</a>
Savannah River	<a href="http://sro.srs.gov/employee.htm">http://sro.srs.gov/employee.htm</a>
Environmental Management Consolidated Business Center	<a href="http://www.emcbc.doe.gov">http://www.emcbc.doe.gov</a>

## APPENDIX C

### Field Office Facilities

<u>Field Office</u>	<u>Facilities</u>
Albuquerque	Energy Technology Engineering Center, Canoga Park, CA Grand Junction Project Office, Grand Junction, CO Inhalation Toxicology Research Int., Albuquerque, NM Kansas City Plant, Kansas City, MO Lawrence Livermore National Laboratory, Livermore, CA Los Alamos National Laboratory, Los Alamos, NM Pinellas Plant, Largo, FL Pantex Plant, Amarillo, TX Sandia National Laboratory, Albuquerque, NM Waste Isolation Pilot Project, Carlsbad, NM
Chicago	Ames Laboratory, Ames, IA Argonne National Laboratory-East, Argonne, IL Argonne National Laboratory-West, Idaho Falls, ID Brookhaven National Laboratory, Upton, NY Environmental Measurement Laboratory, New York, NY Fermi National Accelerator Laboratory, Batavia, NY Lawrence Berkeley National Laboratory, Berkeley, CA New Brunswick Laboratory, Argonne, IL Princeton Plasma Physics Laboratory, Princeton, NJ
Idaho	Idaho Chemical Processing Plant, Idaho Falls, ID Idaho National Engineering Laboratory, Idaho Falls, ID INEL Research Center, Idaho Falls, ID Radioactive Waste Management Complex, Idaho Falls, ID SMC Project, Idaho Falls, ID Test Area North, Idaho Falls, ID Test Reactor Area, Idaho Falls, ID Waste Reduction Operations Complex, Idaho Falls, ID
Nevada	Amador Valley Operations, Livermore, CA Los Alamos Operations, Los Alamos, NM Nevada Test Site, Nye County, NV North Las Vegas Facilities, North Las Vegas, NV Remote Sensory Laboratory, Las Vegas, NV Washington Aerial Measurements, Andrews AFB, VA

### **Field Office Facilities (cont'd)**

<b><u>Field Office</u></b>	<b><u>Facilities</u></b>
Ohio	Ashtabula Environmental Management Project, Ashtabula, OH Columbus Environmental Management Project, Dublin, OH Fernald Environmental Management Project, Cincinnati, OH Miamisburg Environmental Management Project, Miamisburg, OH West Valley Demonstration Project, West Valley, NY
Oak Ridge	K-25 Site, Oak Ridge, TN Oak Ridge Institute of Science and Education, Oak Ridge, TN Oak Ridge National Laboratory, Oak Ridge, TN Paducah Gaseous Diffusion Plant, Paducah, KY Portsmouth Gaseous Diffusion Plant, Piketon, OH Thomas Jefferson National Accelerator Facility, Newport News, VA Weldon Spring Site, St. Charles, MO Y-12 Plant, Oak Ridge, TN Stanford Linear Accelerator Laboratory, Menlo Park, CA
Richland	Hanford Site, Richland, WA Pacific Northwest National Laboratory, Richland, WA
Rocky Flats	Rocky Flats Environmental Technology Site, Rocky Flats, CO
Savannah River	Savannah River Site, Aiken, SC Savannah River National Laboratory, Aiken, SC
SPRO	SPRO, New Orleans, LA